

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: RIO PIEDRAS EXPLOSION
LITIGATION

CIVIL 96-2443CC

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

The Motion for Reconsideration of Order filed by plaintiffs in Civil No. 97-2757 (**docket entry 1925**) is MOOT, in view of the Motion for Voluntary Dismissal With Prejudice filed in said case (**docket entry 3122**).

The Motion requesting extension of time filed by plaintiff in Civil 97-2668 and 297-2669 (**docket entry 2025**) is MOOT.

The Motion to File Under Seal Motion Requesting Reimbursement of Funds (**docket entry 2282**) is GRANTED.

The Motion to Show Cause in Response to Court Order and Motion Requesting Further Enlargement of Time to Supply Resolution of Heirship filed by plaintiffs in Civil No. 97-2711 (**docket entry 2512**) is NOTED. However, the request for extension of time is MOOT. Plaintiffs' Motion Submitting Resolution of Heirship Reference Request for Substitution of Parties Under Rule 25 Fed.R.Civ.P. (**docket entry 2666-A**) is NOTED. Accordingly, deceased plaintiff Amaro Jaime Dyke shall be substituted in all his causes of action by his heirs Lidia Cristina Jaime-Gómez, Amaro Eduardo Jaime-Gómez and Luz Orfelía Gómez.

The Motion Supplying Resolution of Heirship and Request for Declaration of Substitution of Parties filed by plaintiffs in Civil No. 97-2712 (**docket entry 2514**) is NOTED and GRANTED.

Enron's Motion to Dismiss for Failure to Answer Discovery Requests filed in Civil No. 97-2663 (**docket entry 2536**) is DENIED, upon considering the Informative Motion filed by plaintiffs in Civil No. 97-2663 (**docket entry 2662**), which is NOTED.

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Enron's Motion for Sanctions Including Dismissal Against Plaintiffs Eddie Alberto Díaz-Yeinsix and Marilyn Díaz-Yiensix filed in Civil No. 97-2738 (**docket entry 2517**), having considered plaintiffs' opposition (**docket entries 2561 & 2566**), is DENIED.

Enron's Motion for Sanctions filed in Civil No. 97-2757 (**docket entry 2518**) is MOOT, in view of the Motion for Voluntary Dismissal With Prejudice filed in said case (**docket entry 3122**).

Enron's Motion for Sanctions Against Plaintiff Lorenzo Carreras-Pérez for Failure to Answer Discovery Requests filed in Civil No. 97-1957 (**docket entry 2519**), having considered plaintiff's opposition (**docket entry 2556**), is DENIED.

Enron's Motions to Dismiss for Failure to Comply With Order Instructing to Respond to All Outstanding Written Discovery filed against plaintiffs Carmen Luisa Castro-Febres (**docket entry 2567**), Carmen Castro-Canales (**docket entry 2568**), José Angel Castro-Román (**docket entry 2569**), Angel Rafael Castro-Febres (**docket entry 2570**), Omar José Castro-Febres (**docket entry 2571**), José Enrique Castro-Febres (**docket entry 2572**), María Luisa Febres (**docket entry 2573**), Coralís Ivette Castro-Febres (**docket entry 2574**), José Angel Castro-Febres (**docket entry 2575**) and Awilda Castro-Febres (**docket entry 2576**) in Civil No. 97-1123, which remain unopposed, are GRANTED. At the status conference held before Judge Ward on February 2, 2001, all these plaintiffs were granted until February 16, 2001 to provide defendant with their responses to the pending discovery. Transcript of February 2, 2001 status conference, docket entry 2578, p. 69 line 24 through p. 70 line 4. They have blatantly failed to comply with said deadline, and have made no attempt to justify their non-compliance. Their contumacious disregard of the order of this Court, coupled with their prior failure to diligently prosecute their cases as established by Judge Ward during the status conference in which they were explicitly warned of the possibility of a future sanction of dismissal (see Transcript of February 2, 2001 status conference, docket entry 2578, p. 70, lines 9-16),

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leaves us no option but to dismiss their cases without prejudice of continuing their prosecution in the local court. The Clerk shall enter partial judgment dismissing the claims of the above named plaintiffs.

The Motion Dropping Loss of Income Claim filed by plaintiff in Civil No. 97-2680 (**docket entry 2580**) is GRANTED. Partial judgment shall be entered by the Clerk DISMISSING the claim of loss of income filed by plaintiff Manuel De Jesús Sánchez-Marté.

Defendant Enron Corp.'s Motion for Leave to File Sur-reply to Plaintiffs' Motion for Summary Judgment filed in Civil Nos. 97-2762 & 97-1207 (**docket entry 2581**) is GRANTED. The sur-reply tendered is ORDERED FILED.

The Motion Requesting Leave to File Fifth Amended Complaint filed by plaintiff in Civil No. 96-1207 (**docket entry 2582**) is GRANTED. The tendered Fifth Amended Complaint is ORDERED FILED.

Defendants' Motions to Dismiss or, in the Alternative, to Compel for Failure to Answer Discovery filed in Civil No. 97-2721 (**docket entries 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658 & 2659**) were deemed withdrawn as moot without prejudice by Order dated May 8, 2001 (**docket entry 3079**). The docket shall so reflect.

As plaintiffs' Urgent Request for Discovery Order and for Sanctions filed in Civil Nos. 97-1770 & 97-1771 (**docket entry 2661**) was deemed withdrawn as moot (see Order dated May 8, 2001, docket entry 3079), its related motions: the Urgent Motion to Quash Deposition and Production of Document Subpoena filed by the Enron defendants (**docket entry 2666-C**) and Plaintiffs' Urgent Request for Oral Argument (**docket entry 2754-A**) are MOOT.

The Motion Seeking Leave to File Motion Under Seal filed by plaintiff José Santiago-Rojas in Civil No. 97-2762 (**docket entry 2682**) is GRANTED.

The Motion for Extension of Time to File Opposition to Motion to Dismiss filed by plaintiffs in Civil No. 97-2721 (**docket entry 2684**) is MOOT.

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The Motion Requesting an Additional Day in Which to File Opposition to Motion to Dismiss filed by plaintiffs in Civil No. 97-2721 (**docket entry 2763**) is MOOT.

The Motion Requesting that No Further Notices be Sent filed by attorney Pedro J. Salicrup (**docket entry 2763-A**) is NOTED. The Clerk shall remove Mr. Salicrup from the attorneys' database in this consolidated action.

Defendants' Motion to Compel Plaintiff Rosa Pérez to Completely and Adequately Answer Written Discovery filed in Civil No. 97-1173 (**docket entry 2824**) is MOOT, in view of the Motion for Voluntary Dismissal filed in said case (**docket entry 3087**).

Defendants' Motion to Compel Plaintiff Olga Melania Pérez-Pérez to Completely and Adequately Answer Written Discovery filed in Civil No. 97-1173 (**docket entry 2829**) is MOOT, in view of the Motion for Voluntary Dismissal filed in said case (**docket entry 3087**).

Defendants' Motion to Compel Plaintiff Rubén Rivera to Completely and Adequately Answer Written Discovery filed in Civil No. 97-1173 (**docket entry 2830**) is MOOT, in view of the Motion for Voluntary Dismissal filed in said case (**docket entry 3087**).

The Motion for Extension of Time to Oppose Sixty-Six Motions to Compel filed by plaintiffs in Civil No. 97-1172 (**docket entry 2904**) is MOOT.

The Motion for Extension of Time to Reply to Plaintiffs' Opposition to Enron's Motion to Dismiss filed by the Enron defendants in Civil No. 97-2721 (**docket entry 2909**) is MOOT.

The Motion for Leave to File Statements of Reimbursables and Accounts of Jorge Ortiz-Brunet Under Seal (**docket entry 2910**) is GRANTED.

The Motion for Leave to File Statements of Reimbursables and Accounts of the PSC Under Seal (**docket entry 2912**) is GRANTED.

The Motion Requesting Extension of Time to Reply Enron Corp.'s Motion to Compel Discovery filed by plaintiffs in Civil No. 97-2738 (**docket entry 2916**) is MOOT.

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The motions to extend time filed by defendant Enron Corp. in various cases on April 20, 2001 (**docket entries 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958 & 2959**) are MOOT.

Enron Corp.'s Motion Withdrawing Motion to Compel Discovery of Expert Witnesses filed in Civil No. 00-1178 (**docket entry 2948**) is MOOT.

Plaintiffs' Informative Motion filed in Civil No. 97-1771 (**docket entry 2961**) is NOTED as to the information provided but MOOT as to the request for setting of a hearing.

SO ORDERED.

At San Juan, Puerto Rico, on September 5th, 2001.


CARMEN CONSUELO CEREZO
United States District Judge